

MAR - 3 2019

AO 91 (Rev 8/01) Criminal Complaint

David J. Bradley, Clerk

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Nestor Jose Rostran

Case Number: M-19-0507-M

AKA: Rafael Antonio Jimenez

IAE YOB: 1975

Nicaragua

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my

knowledge and belief. On or about March 1, 2019 in Starr County, inthe Southern District of Texas

(Track Statutory Language of Offense)

being then and there an alien who had previously been deported from the United States to Nicaragua in pursuance of law, and thereafter was found near Rio Grande City, Texas, within the Southern District of Texas, the Attorney General of the United States and/or the Secretary of Homeland Security, not theretofore having consented to a reapplication by the defendant for admission into the United States;

in violation of Title 8 United States Code, Section(s) 1326 (Felony)

I further state that I am a(n) Senior Patrol Agent and that this complaint is based on the following facts:

Nestor Jose Rostran was encountered by Border Patrol Agents near Rio Grande City, Texas on March 01, 2019. The investigating agent established that the Defendant was an undocumented alien and requested record checks. The Defendant claims to have illegally entered the United States on March 01, 2019, near Rio Grande City, Texas. Record checks revealed the Defendant was formally Deported/Excluded from the United States on November 23, 2010 through Hidalgo, Texas. Prior to Deportation/Exclusion the Defendant was instructed not to return to the United States without permission from the U.S. Attorney General and/or the Secretary of Homeland Security. On May 6, 2008, the Defendant was convicted of Trafficking In Cocaine and was sentenced to thirty-five (35) months to forty-two (42) months confinement.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on March 3, 2019.

Continued on the attached sheet and made a part of this complaint:

Submitted by reliable electronic means, sworn to and attested telephonically per Fed. R. Cr.P. 4.1, and probable cause found on:

March 3, 20183:12 p.m.☐ Yes ☒ No

/s/ Mickel Gonzalez

Signature of Complainant

Mickel Gonzalez

Senior Patrol Agent

Peter E. Ormsby, U.S. Magistrate Judge
Name and Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer